

Kazen	Phillips
Krueger	Ratliff
Lane	Reagan
Lock	Secrest
Moffett	Smith
Moore	Weinert
Owen	Willis
Parkhouse	Wood

## Nays—1

Roberts

Absent—Excused

Martin                      Rogers

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 12 A bill to be entitled "An Act relating to the appointment, qualification, duties and compensation of Official Shorthand Reporters of the Tenth, Fifty-Sixth and One Hundred Twenty-Second Judicial Districts of Texas; amending Acts of the 55th Legislature, Regular Session, 1957, Chapter 350; and declaring an emergency.

The bill was read the second time and was passed to engrossment.

## Senate Bill 12 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 12 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

## Yeas—27

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Nays—2

Bradshaw                      Roberts

Absent—Excused

Martin                      Rogers

## Adjournment

On motion of Senator Hardeman the Senate at 11:23 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

## FOURTH DAY

(Wednesday, November 20, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Hudson

A quorum was announced present.

Rev. W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leave of Absence

Senator Hudson was granted leave of absence for today and the remainder of the week on account of important business on motion of Senator Owen.

## Senate Resolution 15

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 100 students of the Civics Class of San Marcos High School, accompanied by their teachers, Thomas Yoakum and Jesse Adams; and

Whereas, These students are on an

educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and teachers to the Members of the Senate.

#### Senate Resolution 16

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Civics Classes of Stephen F. Austin High School in Austin, Travis County, Texas, accompanied by their teachers; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their classes in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teachers to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. C. R. No. 10, Inviting Governor Price Daniel to address a Joint Session Wednesday, November 20, 1957, at 11:30 a.m.

H. C. R. No. 8, Granting permission to Thomas Evans of Fort Worth, Tarrant County, Texas, and Raymond Evans of Floydada, Floyd County, Texas, to sue the State of Texas and the State Highway Commission.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 17

Senator Aikin offered the following resolution:

Whereas, Our distinguished and beloved member of this body, the Honorable George Moffett, Chillicothe, Texas, is celebrating his birthday today; and

Whereas, This outstanding citizen has a host of friends, has devoted much of his time and energy to the promotion of public welfare, and is recognized as a man with an unselfish devotion to the cause of preserving the dignity of the individual, self-government, and constitutional government; and

Whereas, He is admired and respected by his colleagues, and by men in all walks of life, for his integrity, honesty and honor; now, therefore, be it

Resolved, That a rising ovation of congratulations be extended our distinguished colleague, George Moffett, in honor of his birthday.

AIKIN  
ROBERTS  
OWEN  
KAZEN  
COLSON  
BRACEWELL  
MARTIN  
MOORE

Signed—Ben Ramsey, Lieutenant Governor; Ashley, Bradshaw, Fly, Fuller, Gonzales, Hardeman, Hazlewood, Herring, Hudson, Krueger, Lane, Lock, Parkhouse, Phillips, Ratliff, Reagan, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Fuller and by unanimous consent the names of

the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted and the Senate gave Senator Moffett a standing ovation of congratulations.

#### Senate Resolution 19

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, a group of eight students from the Mosheim High School Civics Class, accompanied by their teacher, Mrs. Sam Radde; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and Mrs. Radde to the Members of the Senate.

#### Reports of Standing Committee

Senator Parkhouse submitted the following reports:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Water and Conservation, to whom was referred S. B. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was

referred S. B. No. 7, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 8, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

#### Senate Bills Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. Nos. 6, 7 and 8 were ordered not printed.

On motion of Senator Martin and by unanimous consent S. B. No. 11 was ordered not printed.

#### Senate Resolution 20

Senator Aikin offered the following resolution:

Whereas, Rev. Sam L. Fore, Jr., pastor of Tarrytown Methodist Church is a visitor at the Capitol today and

Whereas we are delighted to have this distinguished citizen as our guest, now, therefore, be it

Resolved, That he be extended a hearty welcome and the privilege of the floor for today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Reverend Sam L. Fore, Jr., to the Members of the Senate.

**Senate Concurrent Resolution 4**

Senator Bracewell offered the following resolution:

S. C. R. No. 4, Granting Thelma Jean Evans et al. permission to sue the State of Texas.

Whereas, Thelma Jean Evans, a feme sole, Erma Louise Willingham and husband, Floyd Lee Willingham, and W. C. Bond, all residents of Harris County, Texas, contend that they were injured on or about April 3, 1957, on State Highway No. 75, which highway and its approaches are under control of the State of Texas, said point being located about one mile west of the Webster cut-off, authorized under the Acts of 1917, Page 416, 1923, Page 325, 1953, 53rd Leg., Page 967, ch. 410; and

Whereas, The parties contend that they suffered serious, personal injuries alleged to be the result of the negligence of the Texas Highway Commission in that they failed to provide suitable markers to warn of the abrupt ending of a feeder road into the State Highway No. 75; alleged damage consists of serious, personal injuries and compensation therefor; and

Whereas, Thelma Jean Evans, Erma Louise Willingham and husband, Floyd Lee Willingham, and W. C. Bond desire to institute suit against the State of Texas and the Texas Highway Commission to recover compensation for such alleged injuries and damages suffered by them; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the consent of the Legislature of the State of Texas is hereby given to Thelma Jean Evans, Erma Louise Willingham and husband, Floyd Lee Willingham, to institute such suit against the State of Texas and the Texas Highway Commission in a court of competent jurisdiction, and in case this suit is filed and service of citation, or any other necessary process shall be had upon the Attorney General of the State of Texas and either of the parties to the suit shall have the right to appeal as in any other civil case; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to the aforesaid Thelma Jean Evans, Erma Louise Willingham and husband, Floyd Lee Willingham, and

W. C. Bond, to bring suit against the State of Texas, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which they seek to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

**Senate Bill on First Reading**

The following bill was introduced, read first time and referred to the Committee indicated:

By Senators Moore, Lock and Wood:

S. B. No. 14, A bill to be entitled "An Act amending Chapter 412, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Chapter 193, Acts of the 54th Legislature, Regular Session 1955, so as to provide certain changes in the number of directors to be appointed from the City of Tyler in the event said city shall be annexed to the District; so as to limit the amount and purpose of bonds which may be issued by the District supported wholly or partially by taxation but only in the event the City of Tyler shall be annexed to the District; so as to provide a proper voter classification in elections for annexations of territory where no debt or other obligation is presented for assumption at such election; so as to require elections for annexations and debt assumption only in the territory to be annexed and the procedures therefor; repealing conflicting laws to the extent of such conflict; enacting such other provisions as are incident and relate to the purposes named; providing a savings clause; and declaring an emergency."

To the Committee on Water and Conservation.

**Senate Bill on First Reading**

Pursuant to provisions of the Proclamation of the Governor for the Second Called Session of the Fifty-fifth Legislature, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Lane:

S. B. No. 15, A bill to be entitled

"An Act to provide for the maintenance of law, peace and order in the operation of the public schools without the use of military forces by requiring certain organizations to file certain information in the County Clerk's Office upon the request of a District Judge, District Attorney, County Judge, or County Attorney; providing a penalty for violations; declaring provisions of the Act severable; and declaring an emergency."

To the Committee on State Affairs.

#### Report of Standing Committee

Senator Kazen submitted the following report:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 4, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

#### House Bill 4 Ordered Not Printed

On motion of Senator Kazen and by unanimous consent H. B. No. 4 was ordered not printed.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Ashley:

S. B. No. 16, A bill to be entitled "An Act amending Section 1 of Chapter 50, Acts of the 55th Legislature, Regular Session, 1957, relating to the granting of regulatory authority over wildlife resources in certain counties to the Game and Fish Commission to provide that such Act shall not apply to Kerr County, Texas; providing that the General Laws relating to the taking or killing of wildlife resources shall hereafter apply to Kerr County; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Roberts:

S. B. No. 17, A bill to be entitled "An Act creating a water control and

improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as 'Rockwall County Water Control and Improvement District No. 1' comprising certain lands lying within the County of Rockwall, Texas; prescribing its powers and duties including the powers necessary to cooperate fully with the Federal Government, its agencies and departments, under Public Law 566, 83rd Congress, Chapter 656, 2d Session, H. R. 6788, as amended by Public Law 1018, 84th Congress, Chapter 1027, 2d Session, H. R. 8750, including the power or authority to secure a federal loan or loans and enacting the applicable provisions of said public laws into this Act by reference; providing for a governing body thereof; finding and determining that the lands and other property within said District are, and will be, benefitted by the District and its improvements, works and measures, to be constructed and accomplished; providing that the ad valorem basis or plan of taxation shall be used by the District and that it shall not be necessary to hold a hearing on the adoption of a plan of taxation; providing that it shall be necessary to hold a hearing to determine whether any lands included within the boundaries should be excluded; declaring that the District is essential to the accomplishment of the purposes of Section 59, Article XVI, Constitution of Texas, and declaring the District to be a governmental agency, body politic and corporate; authorizing the District to issue negotiable bonds for the payment of interest and principal thereof; providing that no loan from the Federal Government shall be consummated and no bonds shall be issued unless authorized by an election for such purposes; providing any such bonds to be incontestable after approval by the Attorney General and registration by the Comptroller of Public Accounts; providing that it shall not be necessary for plans and specifications, engineering reports, profiles, maps and other data to be filed in the office of the District before an election is held for the purpose of authorizing the issuance of bonds and that it shall not be necessary to secure approval of the State Board of Water Engineers, prior to the issuance of bonds by the District; providing a savings clause; and declaring an emergency."

(Held for referral.)

**Reports of Standing Committees**

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

PARKHOUSE, Chairman.

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 16, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

**Senate Bill 16 Ordered Not Printed**

On motion of Senator Ashley and by unanimous consent S. B. No. 16 was ordered not printed.

**House Concurrent Resolution 10 on Second Reading**

On motion of Senator Martin and by unanimous consent the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 10—Providing Joint Session to hear Governor Price Daniel at 11:30 o'clock a.m. today.

The resolution was read and was adopted.

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 18, A bill to be entitled "An Act amending Chapter 385, Acts of the Fifty-fifth Legislature of Texas, Regular Session, 1957, Item 46

of the biennial appropriation for the Department of Agriculture by adding the words 'or pest' immediately after the word 'insect' that appears in Item 46; and declaring an emergency."

To the Committee on Finance.

By Senator Moore:

S. B. No. 19, A bill to be entitled "An Act to authorize and direct the Texas Youth Council to grant an easement to the City of Corsicana; and declaring an emergency."

To the Committee on State Affairs.

By Senators Phillips and Bracewell:

S. B. No. 20, A bill to be entitled "An Act amending Article 1827, Revised Civil Statutes of Texas of 1925, providing for appointment of Clerks and Clerks Pro Tem. for Courts of Civil Appeals and fixing the place of their residence; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Lock:

S. B. No. 21, A bill to be entitled "An Act granting to water control and improvement districts heretofore or hereafter organized under Chapter 25, General Laws of the 39th Legislature, Regular Session, 1925, the authority to lease facilities and lands of the district to bona fide water customers of the district; making provisions relative to the form, contents, terms and conditions, duration, and manner of execution of the lease; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Water and Conservation.

**House Concurrent Resolution on First Reading**

The following resolution received from the House today was read first time and referred to the committee indicated:

H. C. R. No. 8, To the Committee on Jurisprudence.

**Senate Concurrent Resolution 5**

Senator Rogers offered the following resolution:

S. C. R. No. 5, Granting Thomas Evans et al. permission to sue the State of Texas:

Whereas, Thomas Evans of Fort Worth, Texas, and Raymond Evans of Floydada, Texas, have alleged that the State of Texas and the State Highway Department have caused damage to houses, furnishings and fixtures, a feed store owned by them and ruined crops on their land about three and one-half miles south of the City of Floydada, in Floyd County, Texas, by constructing Farm-to-Market Road No. 579 in such a manner as to divert rising water and causing the aforesaid property to be damaged by flood waters; and

Whereas, Thomas Evans and Raymond Evans desire to institute suit against the State of Texas and its Highway Department to recover compensation for such alleged damages suffered by them; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that Thomas Evans of Fort Worth, Tarrant County, Texas, and Raymond Evans of Floydada, Floyd County, Texas, their heirs, executors, administrators and assigns be and they are hereby granted permission to bring and maintain suit against the State of Texas, the State Highway Commission, the State Highway Department, and/or the State Highway Engineer, as well as any administrative official acting for or on behalf of the State Highway Department, in any court of competent jurisdiction at any time within two (2) years of the passage and enactment of this Resolution, in order that the compensation due, if any, for damages sustained, if any, may be determined and paid to the proper person or persons; and further, in order that the controversy, if any, may be settled and adjudicated, service of citation to be upon the Chairman of the Highway Commission of the State of Texas and the Attorney General of Texas; and any and all parties may appeal a judgment as in similar cases. It is understood that nothing herein shall be construed as an admission of liability or of any fact on the part of the State of Texas or of any agency, officer or individual acting for or on behalf of the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Concurrent Resolution 6

Senator Wood offered the following resolution:

S. C. R. No. 6, Granting D. P. Scritchfield permission to sue the State of Texas.

Whereas, D. P. Scritchfield of Smith County alleges that his children, Ross S. Scritchfield, age 26, and Mary Ann Scritchfield, age 16, were both fatally injured in a 1946 Ford automobile, driven by Wendell Norris, which was involved in an accident with another motor vehicle on July 18, 1957, on U. S. Highway 69 at the intersection of Farm-to-Market Road No. 743 in Smith County, Texas; and

Whereas, D. P. Scritchfield alleges that the State of Texas, through the Texas Highway Department, failed to establish and maintain proper safety signs and barricades to insure and promote the safety of users of the public roads under construction; and

Whereas, It is further alleged that the State of Texas, through the Texas Highway Department, was negligent in failing to control the traffic traveling on the highway under construction and in failing to prevent driving inconsistent with the safety of all users of the highway and roads intersecting the highway; and

Whereas, D. P. Scritchfield desires to sue the State of Texas to determine if the State of Texas is liable for damages, and if so, to determine the amount of such damage; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that D. P. Scritchfield be, and he is hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the above alleged acts and omissions to act, and further to determine what damage, if any, that D. P. Scritchfield is entitled to recover from the State of Texas by reason of any wrongful act committed by the State of Texas or any of its agencies or agents in connection with the above described acts; and be it further.

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission and upon the Attorney General of the

State of Texas. Service of process upon these two officers shall have the same force and effect as service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further:

Resolved, That the sole purpose of this Resolution is to grant permission to the said D. P. Scritchfield to bring suit against the State of Texas. No admission of liability or of any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which the said D. P. Scritchfield seeks to recover must be proven in court as in other civil cases; and be it further.

Resolved, That any and all defenses which the State of Texas may have may be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Concurrent Resolution 7

Senator Wood offered the following resolution:

S. C. R. No. 7, Granting L. A. Norris permission to sue the State of Texas.

Whereas, L. A. Norris of Smith County alleges that on July 18, 1957, his son, Wendell Norris, was driving a 1946 Ford automobile which collided with another vehicle at the intersection of Farm-to-Market Road No. 743 and U. S. Highway 69 (the new Jacksonville highway); and

Whereas, It is alleged that the said motor vehicle collision caused the death of Wendell Norris, age 18, and seriously bodily injury to Mary Frances Norris, age 15, both being children of the said L. A. Norris; and

Whereas, L. A. Norris alleges that the State of Texas, through the Texas Highway Department, failed to establish and maintain proper safety signs and barricades to insure and promote the safety of users of the public roads under construction; and

Whereas, It is further alleged that the State of Texas, through the Texas Highway Department, was negligent in failing to control the traffic traveling on the highway under

construction and in failing to prevent driving inconsistent with the safety of all users of the highway and roads intersecting the highway; and

Whereas, L. A. Norris desires to sue the State of Texas to determine if the State of Texas is liable for damages, and if so, to determine the amount of such damages; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That L. A. Norris be, and he is hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the above alleged acts and omissions to act, and further to determine what damage, if any, that L. A. Norris is entitled to recover from the State of Texas by reason of any wrongful act committed by the State of Texas or any of its agencies or agents in connection with the above described acts, and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That the sole purpose of this Resolution is to grant permission to the said L. A. Norris to bring suit against the State of Texas. No admission of liability or of any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which the said L. A. Norris seeks to recover must be proven in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have may be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

**Report of Standing Committee**

Senator Weinert by unanimous consent submitted the following report:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 8, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

**House Concurrent Resolution 8  
Ordered Not Printed**

On motion of Senator Rogers and by unanimous consent H. C. R. No. 8 was ordered not printed.

**Senate Bill 14 Ordered Not Printed**

On motion of Senator Moore and by unanimous consent S. B. No. 14 was ordered not printed.

**Senate Resolution 21**

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 7th and 8th grade classes of Lamar Elementary School in Travis County, Texas, accompanied by their teacher, Mrs. Rachel James; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their classes in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. James to the Members of the Senate.

**Committee to Escort Governor  
Daniel to Joint Session**

The President announced pursuant to the provisions of H. C. R. No. 10 the appointment of the following as a committee to escort Governor Daniel to the Joint Session:

Senators Martin, Moffett, Willis, Aikin and Ashley.

**Report of Standing Committee**

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,  
November 20, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

OWEN, Chairman.

**Motion to Place Senate Bill 2  
on Second Reading**

Senator Lane asked unanimous consent to suspend the regular order of business and take up S. B. No. 2 for consideration at this time.

Senator Gonzalez raised the point of order that S. B. No. 2 could not be considered by the Senate at this time because the action by the committee on the bill was not according to the rules in that proper notices were not posted.

Pending a ruling on the point of order by Senator Gonzalez, Senator Kazen raised the point of order that S. B. No. 2 could not be considered at this time without the suspension of Senate Rule 38 because printed copies of the bill had not been on the Senators' desks for twenty-four hours.

The President sustained the point of order by Senator Kazen.

Senator Gonzalez then withdrew his point of order.

**Motion to Adjourn**

On motion of Senator Kazen the

Senate agreed to adjourn at the conclusion of the Joint Session until 10:00 o'clock a.m. tomorrow.

#### Joint Session

(To hear an Address by the Honorable Price Daniel, Governor of the State of Texas.)

The President announced that the time had arrived for the Joint Session provided for in H. C. R. No. 10.

The President of the Senate and the Senators present proceeded to the Hall of the House of Representatives at 11:30 o'clock a.m.

(Senator Kazen in the Chair.)

The Presiding Officer by invitation of the Speaker occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Price Daniel, Governor of the State of Texas, and party were announced by the Doorkeeper of the House.

The Governor, accompanied by Mrs. Daniel, Attorney General Will Wilson and Miss Ellen Daniel, were

escorted to the Speaker's Rostrum by Senators Martin, Moffett, Willis, Aikin and Ashley on the part of the Senate, and Representatives Welch, Bass, Bristow, Bullock, Ferrell, Heatly, Hollowell, Jackson, McGregor of McLennan, Myatt, Roberts, Stewart, Watson and Martin on the part of the House.

Senator Kazen called the Senate to order, and announced a quorum of the Senate present.

Honorable Waggoner Carr, Speaker of the House of Representatives, called the House to order, requested the Members to register and announced a quorum of the House present.

The Speaker of the House announced the purpose of the Joint Session and presented the Honorable Price Daniel, Governor of Texas, to the Joint Session. The Governor then addressed the Joint Session.

#### Adjournment

At the conclusion of the Joint Session Senator Kazen at 12:15 o'clock p.m. announced that the Senate would stand adjourned until 10:00 o'clock a.m. tomorrow on motion previously adopted by the Senate.

**In Memory of**  
**Right Rev. Msgr.**  
**Marius Stephen Chataignon**

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Senator Phillips offered the following resolution:

(Senate Resolution 18)

Whereas, The beloved Right Rev. Msgr. Marius Stephen Chataignon, once described as the best chaplain in the whole army, departed this life on November 19, 1957, at Galveston, Texas; and

Whereas, This great man, loved, honored and revered by his thousands of friends who knew him affectionately as "Father Chat" was pastor of the Sacred Heart Church in Galveston where recently he had directed the building of a new convent and school in the parish, and was recognized as a man with an unselfish devotion to the welfare and interests of all the people with whom he lived; and

Whereas, Although seriously ill for the last several years of his life, he refused to spend those years in a hospital, but continued to work among his friends and the people he loved; and

Whereas, Msgr. Chataignon was born September 17, 1886, at Cellieu, Loire, France, being the son of Etienne and Benoit Cancale Chataignon, and came to the United States in 1906 to study philosophy at St. Mary's Seminary in Baltimore, after which he studied at St. Mary's Seminary in La Porte, Texas, and was ordained at St. Mary's Cathedral in Galveston on December 24, 1911, by the late Bishop N. A. Gallagher; and

Whereas, He was a soldier-priest, a veteran of two armies and two wars, having served his required time in the French army before coming to the United States, and joining the Texas National Guard in 1917; and

Whereas, He was named Division Chaplain of the famed 36th Division, served overseas with the 36th Division and was General William R. Smith's personal interpreter when the 36th was augmented by French forces; and

Whereas, After World War I he returned to the post he held before joining the service as assistant at St. Mary's Cathedral, and was later named pastor of the Sacred Heart Church in 1924; and

Whereas, Father Chat was still a member of the Texas National Guard when the Guard was mobilized in 1941, and went back into service being transferred to the Second Corps in Europe, and became the first American priest to hold services in St. Peter's Cathedral in Rome after the Germans evacuated the city; and

Whereas, Father Chat rose to the rank of Colonel in the Chaplain Corps and was retired a full colonel in February, 1946; and

Whereas, Cardinal Spellman wrote in 1945 that he recognized Father Chat as "perhaps the best chaplain in the whole army"; and

Whereas, In December, 1943, His Holiness Pope Pius XII elevated Father Chataignon to the rank of a domestic prelate, making him a member of his papal household with the rank and title of right reverend monsignor, and was again honored with a special letter of commendation six months later; and

Whereas, The late Bishop C. E. Byrne made Msgr. Chataignon a diocesan consultor in December, 1945, a privilege and duty extended to him by the present bishop of Galveston; and

Whereas, All those who knew this great man who devoted his life to helping his fellow man mourn his departure from this earth; and

Whereas, He is survived by his sister, Miss Marie Louise Chataignon; now, therefore, be it

Resolved, That the passing of this outstanding citizen of Texas, the nation and the world, be fittingly recognized by his fellow Texans, and that a page in today's Journal be devoted to his memory, and that the Senate of the Fifty-fifth Texas Legislature do adjourn on this day and date in memory of the Right Rev. Msgr. Marius Stephen Chataignon, more familiarly known as Father Chat, and that we here and now extend our deepest sympathy to those who knew him, and ask that God give them surcease from the sorrow of the passing of this good man; and be it further

Resolved, That copies of this resolution be transmitted to his sister, his parish and Bishop W. J. Nold, as a token of our sympathy.

The resolution was read and was adopted by a rising vote of the Senate.